



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,114	09/09/2003	Andrew Hartmann	71234_0076	2113

20915 7590 12/05/2005

MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

EXAMINER

JOHNSON, BLAIR M

ART UNIT PAPER NUMBER

3634

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,114

Applicant(s)

HARTMANN, ANDREW

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-22 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-22, 24-29, 31-34 and 37-43 is/are rejected.
- 7) ☒ Claim(s) 30, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Rejections - 35 USC § 112

Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The connection between the fastener and the walls, as recited in claim 15, is not adequately disclosed.

Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, "between and exterior and interior walls" is ambiguous.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-4 and 38-43 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Styra.

The panels have upper and lower edges with arcuate portions that engage each other, with one (60) ending in a flange and the other (74) ending in a hook. See also hinge coupler 110 that engages elongate sockets 66,68, with snap fasteners, brackets 62 for

axles with wheels (Fig. 6), the bracket being of "wear-resistant material" since all material resists wear to some extent. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Dielman and Rohrer et al.

The preamble discloses what is known. In addition, providing recesses for a latch assembly is taught by Dielman. It would have been obvious to modify the structure of the preamble whereby the latch is mounted in such recesses so as to accurately position and maintain the latch in position. In addition, Rohrer et al discloses panels that are predominately hollow and that have brackets attached thereto by way of bolts that extend through the panel, between interior reinforcing walls, thereby establishing that it is known to mount door hardware to an overhead door in such a manner. It would have been obvious to modify the door structure of the preamble whereby it is hollow and the latch is attached by way of through bolts. Claim 15 is met as best understood.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Dielman and Rohrer et al as applied above, and further in view of Galbreath.

Galbreath discloses a door latch with a mounting plate. It would have been obvious to modify the preamble structure to have such a plate so as to form a firm mounting base.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Dielman and Rohrer et al and Galbreath as applied above, and further in view of Bakalar.

Providing indicia for mounting purposes is well known as illustrated by Bakalar in paragraph 0102.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Dielman and Rohrer et al as applied above, and further in view of Martin et al.

Martin discloses a door with numerous recesses for strength. It would have been obvious to modify the door panels to have such recesses, one of which could be "for" a (unclaimed) reflector.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Dielman and Rohrer et al as applied above, and further in view of Jentoft et al.

It is well known to provide an elongate wall structure for engaging a bolt, as illustrated by Jentoft et al at 54,52, and it would have been obvious to provide such for the panels so as to hide the bolts.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Martin et al.

Martin et al is applied here as above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Martin et al as applied above, and further in view of Galbreath.

Galbreath discloses a door latch with a mounting plate. It would have been obvious to modify the preamble structure to have such a plate so as to form a firm mounting base.

Claims 21,22,24-28,31-33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Aquilina.

Aquilina discloses an axle mounting bracket 10 for potentially hollow (column 6, lines 40-41) panels. What is not shown is the fasteners that extend through the panels. However, such are considered an obvious variant over the screws used by Aquilina so as to more securely attach the hinge brackets. The material of the various elements is considered to be obvious so as to achieve the desirable features of metal, plastic, etc.

Claims 29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the preamble in view of Aquilina as applied above, and further in view of Martin et al.

Martin et al is applied here as above.

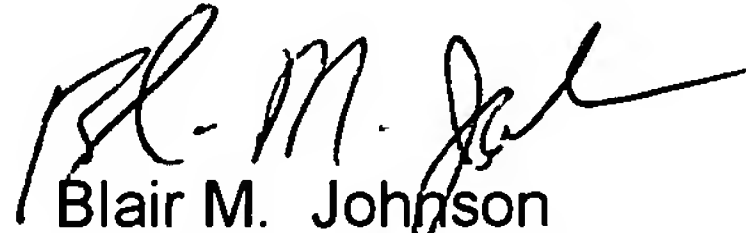
Allowable Subject Matter

Claims 30,35 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
11/28/05